IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 2338 of 2007(C)

PETITIONER:

P.N. MOHANACHANDRAN, AGED 54 YEARS,
S/O. LATE N.NARAYANAN NAIR,SENIOR SUPERINTENDENT,
DIRECTORATE OF HEALTH SERVICES, TRIVANDRUM,
RESIDING AT REMYA, PEELIYAMKONAM, VENKADAMPU P.O.,
UCHAKKADA VIA.,NEYYATTINKARA TALUK,TRIVANDRUM DIST

BY ADV. SRI.C.V.BIMAL ROY

RESPONDENTS:

----

1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY, HEALTH AND
   FAMILY WELFARE DEPARTMENT, GOVT.SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF HEALTH SERVICES,**
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

==========

WP(C).No.2338 OF 2007-C.

==========

Dated this the 28th day of March, 2007.

J U D G M E N T

The petitioner is aggrieved by the rank position in the preliminary seniority list and the final seniority list of Senior Superintendent/Lay Secretary in the Health Services Department. He has taken up contentions to impress upon this Court that he ought to have been assigned rank No.7A in Ext.P9 final seniority list. But the respondents have assigned him a lower rank. What is being agitated is a dispute relating to seniority and matters connected with that. Therefore, the Government have the power to redress the grievance of the petitioner if he deserves a favourable order after due consideration by the Government on examination of the merits of the case. The petitioner shall have to file representation before the Government invoking Rule 27(B) of Part II of K.S. & S.S.R. which provides an effective alternate remedy. The time limit prescribed in Rule 27(B) aforesaid is a

period of six months from the date of receipt of the order or the date of publication of the order in the Kerala Gazette whichever is later. It is doubtful whether the petitioner will be able to file representation within th time limit mentioned in Rule 27(B). If so, the petitioner will have to file representation for condoning the delay.

2. The petitioner is free to file representation before the Government for resolving the dispute relating to seniority determined as per Ext.P9 proceedings, along with an application for condoning the delay. If representation and application are received by the Government, the same shall be considered in accordance with law and appropriate decision taken, as expeditiously as possible.

With the above directions, this writ petition is disposed of.

K.K.DENESAN, JUDGE.

kvs/-